

REFERENCE TITLE: **residency restrictions; criminal convictions**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2212

Introduced by
Representative Miranda B

AN ACT

AMENDING SECTION 13-3727, ARIZONA REVISED STATUTES; RELATING TO RESIDENCY RESTRICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3727, Arizona Revised Statutes, is amended to
3 read:
4 13-3727. Unlawful residency; persons convicted of criminal
5 offenses; exceptions; preemption; classification
6 A. It is unlawful for a person who has been convicted of a dangerous
7 crime against children as defined in section 13-705 or who has been convicted
8 of an offense committed in another jurisdiction that if committed in this
9 state would be a dangerous crime against children as defined in section
10 13-705, who is required to register pursuant to section 13-3821 and who is
11 classified as a level three offender pursuant to sections 13-3825 and 13-3826
12 to reside within one thousand feet of the real property comprising any of the
13 following:
14 1. A private school, as defined in section 15-101, or a public school
15 that provides instruction in kindergarten programs and any combination of
16 kindergarten programs and grades one through eight.
17 2. A private school, as defined in section 15-101, or a public school
18 that provides instruction in any combination of grades nine through twelve.
19 3. A child care facility as defined in section 36-881.
20 4. A PUBLIC ATHLETIC FIELD.
21 5. A PUBLIC PLAYGROUND.
22 6. A PUBLIC SWIMMING POOL.
23 7. A PUBLIC RECREATIONAL FACILITY.
24 8. A PUBLIC PARK.
25 B. This section does not apply to any of the following:
26 1. A person who establishes the person's residence ~~before September~~
27 ~~19, 2007~~ ~~or~~ before a new school, PUBLIC ATHLETIC FIELD, PUBLIC PLAYGROUND,
28 PUBLIC SWIMMING POOL, PUBLIC RECREATIONAL FACILITY, PUBLIC PARK or child care
29 facility is located.
30 2. A person who is a minor.
31 3. A person who is currently serving a term of probation.
32 4. A person who has had the person's civil rights restored pursuant to
33 chapter 9 of this title.
34 5. A person who has not been convicted of a subsequent offense in the
35 previous ten years, excluding any time the person was incarcerated in any
36 federal, state, county or local jail or prison facility.
37 C. SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION DO NOT APPLY TO
38 A PERSON WHO ESTABLISHED THE PERSON'S RESIDENCE BEFORE SEPTEMBER 19, 2007.
39 SUBSECTION A, PARAGRAPHS 4, 5, 6, 7 AND 8 OF THIS SECTION DO NOT APPLY TO A
40 PERSON WHO ESTABLISHES THE PERSON'S RESIDENCE BEFORE THE EFFECTIVE DATE OF
41 THIS AMENDMENT TO THIS SECTION.
42 ~~C.~~ D. Notwithstanding any other law and as a matter of statewide
43 concern, a county, city or town shall not enact an ordinance that provides
44 for distance restrictions greater than those found in this section.

1 ~~D.~~ E. For the purposes of subsection A of this section, measurements
2 shall be made in a straight line in all directions, without regard to
3 intervening structures or objects, from the nearest point on the property
4 line of a parcel containing the person's residence to the nearest point on
5 the property line of a parcel containing a child care facility or a school.
6 ~~E.~~ F. A person who violates this section is guilty of a class 1
7 misdemeanor.